

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 405
Economic Matters

(Delegate Terrasa, *et al.*)

Judicial Proceedings

**Condominiums and Homeowners Associations - Governing Documents - Electric
Vehicle Recharging Equipment**

This bill prohibits the governing documents of a condominium or homeowners association (HOA) from prohibiting or unreasonably restricting the installation (or authorization of installation) of electric vehicle recharging equipment in common or limited common use parking spaces. The bill establishes that such installations are subject to the budget process for a comparable common area/element renovation or alteration of similar cost or magnitude and requires the governing body to assess community parking capacity before installation or authorization. Additionally, the governing body of a condominium or HOA may grant a license, renewable at the discretion of the governing body, for up to three years on any common element necessary for equipment installation or electricity supply. The bill applies retroactively and must be applied to and interpreted to affect any covenant or restriction, or provision in a declaration, bylaws, or rules, recorded or adopted on or before the bill’s effective date.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: “Electric vehicle recharging equipment” means property in the State that is used for recharging motor vehicles propelled by electricity, including motor vehicles and electric bicycles.

Sections 11-111.4 and 11B-111.8 of the Real Property Article govern the process for the installation and use of electric vehicle recharging equipment within a condominium or HOA community, respectively, *in a unit/lot owner's deeded parking space or a parking space that is specifically designated for use by a particular owner*. Generally, if approval is required, the governing body of the condominium or HOA must process and review an application for approval of the installation/use of electric vehicle recharging equipment in the same manner as an application for approval of an architectural modification to the condominium/dwelling within an HOA. The governing body must approve the installation if it does not unreasonably impede the normal use of an area outside the unit/lot owner's parking space and is reasonably possible. The governing body of a condominium or HOA is authorized under these provisions to grant a license for up to three years, renewable at the discretion of the governing body, on any common element necessary for the installation of equipment or for the supply of electricity to any electric vehicle recharging equipment.

Before installing electric vehicle recharging equipment, an owner must either provide a certificate of insurance to the condominium or HOA naming the entity as an additional insured or reimburse the association for any increased insurance premiums attributable to the electric vehicle recharging equipment. Insurance coverage for the electric vehicle recharging equipment must be maintained for as long as the equipment and all related components are installed.

Any provisions of governing documents for condominiums and HOAs (including the bylaws, covenants, or other restrictions) are void and unenforceable if they (1) are in conflict with the aforementioned provisions or (2) effectively prohibit or unreasonably restrict the installation or use of electric vehicle recharging equipment in a unit/lot owner's deeded parking space or a parking space that is specifically designated for use by a particular owner.

For more information on condominiums and HOAs – which, along with cooperative housing corporations, are collectively known as common ownership communities – see the **Appendix – Common Ownership Communities**.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 673 of 2025 and HB 1010 of 2024.

Designated Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division);
Judiciary (Administrative Office of the Courts); Maryland Energy Administration;
Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2026
caw/jkb Third Reader - March 30, 2026
Revised - Amendment(s) - March 30, 2026

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Appendix – Common Ownership Communities

When a person purchases a single-family home, condominium, or an interest in a cooperative housing corporation, the person may also be required to join an association of owners, which is intended to act in the common interests of all the homeowners, condominium unit owners, or cooperative owners in the community. Collectively, these associations are often referred to as common ownership communities (COCs). In Maryland, a growing number of newly constructed or newly converted residences are located in some form of a COC. Because registration of the various COCs is not required statewide, the exact number of COCs in Maryland is unknown. However, the Foundation for Community Association Research estimated that there were 7,200 community associations with an estimated 1.1 million residents in these associations in the State in 2024.

The affairs of a condominium are governed by a council of unit owners, which comprises all unit owners. Among other powers, the council of unit owners has the power to impose assessments on the unit owners to pay common expenses. A council of unit owners may delegate its powers to a board of directors, officers, or a managing agent. Condominiums are governed under Title 11 of the Real Property Article.

Many new housing developments are subject to a homeowner's association (HOA) that is created by a governing document and has the authority to impose mandatory fees on lots in the development in connection with the provision of services or for the benefit of the lots, the lot owners, or the common areas. HOAs are governed under Title 11B of the Real Property Article.

A cooperative housing corporation or "cooperative" is a corporation that owns real property. A resident of a cooperative does not own an individual unit; instead, the person owns an interest in the corporation, which leases the unit to the person for residential use. Cooperatives are governed by the laws in Title 5, Subtitle 6B of the Corporations and Associations Article.

Condominiums and HOAs may be authorized by their governing documents to impose liens on units or lots to collect unpaid assessments or fees. In a cooperative, the governing documents usually provide for the collection of delinquent fees, and evictions for outstanding fees are generally pursued by way of a landlord-tenant action.